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TO: Honorable Commissioner of Patents and Trademarks
Washington, DC 20231

ATTN: Mr. Kunin

FAX NO.: 1-703-305-8825

DATE: March 31, 1995

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FROM: LAURA A. CORUZZI, ESQ.

PAGES: 2 (including cover page) OUR REF.: 7639-017

Dear Mr. Kunin:

Per Ms. SaraLynn Mandel's request, I enclose a copy of a claim we proposed in the Cell Genesys application identified below. The claim covers a mammalian host cell that expresses a gene product encoded by a normally transcriptionally silent gene. We believe that this claim is patentable over all prior art, and that both the instant application (see page 5, line 5, "The cells may or may not be expressing the gene of interest") and the parent application (see page 4, line 29, which also states "These cells may or may not be expressing the gene of interest") meet the Section 112, first paragraph, requirement.

c: SaraLynn Mandel, Esq.

Laura Coruzzi

Application of:

SPECIAL STATUS GRANTED

ARTHUR SKOULTCHI

Serial No.: 08/102,390

Group Art Unit: 1804

Filed: August 5, 1993

Examiner: Ziska, S.

For: PRODUCTION OF PROTEINS
USING HOMOLOGOUS
RECOMBINATION

Atty Docket No.: 7639-017/
Cell 3.2

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DRAFT

(New) A mammalian host cell that expresses a gene product encoded by a normally transcriptionally silent target gene within the genome of the host cell, said genome having inserted therein a heterologous regulatory sequence operatively associated with the normally transcriptionally silent target gene, so that the mammalian host cell expresses the target gene product.

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** TOTAL PAGE.002 **

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